MC.DEC/9/09
2 December 2009

Organization for Security and Co-operation in Europe
Ministerial Council
Athens 2009

Original: ENGLISH

Second day of the Seventeenth Meeting
MC(17) Journal No. 2, Agenda item 8

DECISION No. 9/09
COMBATING HATE CRIMES

The Ministerial Council,

Reaffirming that respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE comprehensive concept of security, and that tolerance and non-discrimination are important elements in the promotion of human rights and democratic values,

Reaffirming that manifestations of discrimination and intolerance threaten the security of individuals and societal cohesion, and reiterating that they may give rise to conflict and violence on a wider scale,

Concerned by hate crimes throughout the OSCE region and acknowledging the need for co-operation to combat such crimes effectively, and taking note of the ODIHR report entitled "Hate Crimes in the OSCE Region – Incidents and Responses", as tasked by the participating States,

Reaffirming the OSCE commitments on promoting tolerance and non-discrimination, and acknowledging that the primary responsibility for addressing acts of intolerance and discrimination rests with the participating States,

Acknowledging that hate crimes are criminal offences committed with a bias motive,

Taking note of the UN Global Counter-Terrorism Strategy adopted on 8 September 2006 by the UN General Assembly, which outlines a comprehensive global approach towards countering terrorism by addressing not only its manifestations, but also the conditions conducive to its spread, and recognizing the role hate crimes, discrimination and intolerance can play in fuelling violent extremism and radicalization that lead to terrorism,

Acknowledging the need for more consistent, comprehensive and comparable data on hate crimes, highlighted *inter alia* in the ODIHR report,

Welcoming the work done by the ODIHR in providing assistance to participating States, upon their request, in their efforts to address hate crimes,

Taking note of the 2009 Supplementary Human Dimension Meeting on Hate Crimes – Effective Implementation of Legislation and of the second annual meeting of the National Points of Contact on Combating Hate Crimes,

Recognizing that the global economic downturn may increase incidents of hate crimes in the OSCE area,

Acknowledging that victims of hate crimes may belong to both minority and majority communities,

Acknowledging the work of the three Personal Representatives of the Chairman-in-Office in support of the overall OSCE effort to combat hate crimes and violent manifestations of intolerance in accordance with their mandate,

Recognizing the instrumental role that political representatives can play in taking the lead in combating intolerance and discrimination and promoting mutual respect and understanding,

Calls on the participating States to:

1. Collect, maintain and make public, reliable data and statistics in sufficient detail on hate crimes and violent manifestations of intolerance, including the numbers of cases reported to law enforcement, the numbers prosecuted and the sentences imposed. Where data-protection laws restrict collection of data on victims, States should consider methods for collecting data in compliance with such laws;

2. Enact, where appropriate, specific, tailored legislation to combat hate crimes, providing for effective penalties that take into account the gravity of such crimes;

3. Take appropriate measures to encourage victims to report hate crimes, recognizing that under-reporting of hate crimes prevents States from devising efficient policies. In this regard, explore, as complementary measures, methods for facilitating, the contribution of civil society to combat hate crimes;

4. Introduce or further develop professional training and capacity-building activities for law-enforcement, prosecution and judicial officials dealing with hate crimes;

5. In co-operation with relevant actors, explore ways to provide victims of hate crimes with access to counselling, legal and consular assistance as well as effective access to justice;

6. Promptly investigate hate crimes and ensure that the motives of those convicted of hate crimes are acknowledged and publicly condemned by the relevant authorities and by the political leadership;

7. Ensure co-operation, where appropriate, at the national and international levels, including with relevant international bodies and between police forces, to combat violent organized hate crime;

8. Conduct awareness raising and education efforts, particularly with law enforcement authorities, directed towards communities and civil society groups that assist victims of hate crimes;

9. Nominate, if they have not yet done so, a national point of contact on hate crimes to periodically report to the ODIHR reliable information and statistics on hate crimes;

10. Consider drawing on resources developed by the ODIHR in the area of education, training and awareness raising to ensure a comprehensive approach to the tackling of hate crimes;

11. Calls on the participating States to seek opportunities to co-operate and thereby address the increasing use of the Internet to advocate views constituting an incitement to bias-motivated violence including hate crimes and, in so doing, to reduce the harm caused by the dissemination of such material, while ensuring that any relevant measures taken are in line with OSCE commitments, in particular with regard to freedom of expression;

12. Tasks the ODIHR to explore, in consultations with the participating States and in co-operation with relevant international organizations and civil society partners, the potential link between the use of the Internet and bias-motivated violence and the harm it causes as well as eventual practical steps to be taken;

13. Invites the Director of the ODIHR to keep the participating States informed about the ODIHR's work in assisting the participating States to combat hate crimes during his or her regular reporting to the Permanent Council.